

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

VALERIE BARTON,)	CASE NO. 1:17CV29
Plaintiff,)	
v.)	JUDGE BENITA Y. PEARSON
COMMISSIONER OF SOCIAL)	
SECURITY,)	
Defendant.)	<u>MEMORANDUM OF OPINION AND</u>
		<u>ORDER</u>

An Administrative Law Judge (“ALJ”) denied Plaintiff Valerie Barton’s application for Supplemental Security Income (“SSI”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge Thomas M. Parker for preparation of a Report and Recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On December 8, 2017, the magistrate judge submitted a Report ([ECF No. 14](#)) recommending that the Court vacate the Commissioner’s decision as to the sole issue of whether Plaintiff’s prescribed cane was medically necessary and remand the case to the Commissioner for further proceedings. Furthermore, the magistrate judge recommended that the Commissioner’s handling of all other issues—being the medical opinion evidence of record—is supported by substantial evidence and requires no remand. [ECF No. 14 at PageID#: 1343.](#)

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[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. On December 15, 2017, the Commissioner filed a Response to the Magistrate Judge's Report and Recommended Decision ([ECF No. 15](#)), stating that the Commissioner will not be filing objections. Plaintiff has not filed any objections, evidencing satisfaction with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [*Thomas v. Arn*, 728 F.2d 813 \(6th Cir. 1984\), aff'd, 474 U.S. 140 \(1985\); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 \(6th Cir. 1991\); *United States v. Walters*, 638 F.2d 947, 949–50 \(6th Cir. 1981\).](#)

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The Court vacates the decision of the Commissioner of Social Security as to the sole issue of whether Plaintiff's prescribed cane was medically necessary and remands this case to the Commissioner for further proceedings pursuant to sentence four of [42 U.S.C. § 405\(g\)](#). The decision of the Commissioner as to all other findings is affirmed.¹

IT IS SO ORDERED.

January 5, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

¹ As indicated above, in his Report, the magistrate judge recommended that the Commissioner's handling of the medical opinion evidence of record was supported by substantial evidence and requires no remand. [ECF No. 14 at PageID#: 1343](#).